



## **EMPLOYMENT FIRST COMMITTEE (EFC)**

### **NOTICE/AGENDA**

Posted on [www.scdd.ca.gov](http://www.scdd.ca.gov)

**DATE:** Tuesday, December 9, 2014  
**TIME:** 10:00 a.m. – 4:00 p.m.  
**LOCATION:** Hilton Sacramento Arden West  
2200 Harvard Street  
Sacramento, CA 95815  
Phone: (916) 922-4700

*Pursuant to Government code Sections 11123.1 and 11125(f), individuals with disabilities who require accessible alternative formats of the agenda and related meeting materials and/or auxiliary aids/services to participate in this meeting should contact Michael Brett at (916) 322-8481 or email [michael.brett@scdd.ca.gov](mailto:michael.brett@scdd.ca.gov). Requests must be received by 5:00 pm, December 1, 2014.*

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|----|--|-------------|
| 1. | <b>CALL TO ORDER</b>   | K. Weller   |
| 2. | <b>ESTABLISHMENT OF QUORUM</b>   | K. Weller   |
| 3. | <b>WELCOME/INTRODUCTIONS</b>   | K. Weller   |
| 4. | <b>WELCOME NEW MEMBER SARAH TRIANO</b>   | K. Weller   |
| 5. | <b>PUBLIC COMMENTS</b><br><i>This item is for members of the public only to provide comments and/or present information to the Council on matters <b>not</b> on the agenda. Each person will be afforded up to three minutes to speak. Written requests, if any, will be considered first. The Council will provide a public comment period, not to exceed a total of three minutes, for public comment prior to action on each agenda item.</i> |             |
| 6. | <b>APPROVAL OF SEPT 2014 MEETING MINUTES</b>   | K. Weller   |

7.	<b>WORKFORCE INNOVATION &amp; OPPORTUNITY ACT</b>	B. Moore	<b>9</b>
8.	<b>CECY REPORT</b>	A. Mudryk	
9.	<b>2015 WORKPLAN DEVELOPMENT</b>	K. Weller	
10.	<b>SUBMINIMUM WAGE</b>	M. Kennedy	
11.	<b>RELATIONSHIP BETWEEN EFC AND SSAN</b>	R. Levy/ C. Hewitt	<b>15</b>
12.	<b>EMPLOYMENT FIRST BROCHURE REVIEW</b>	K. Weller	
13.	<b>NEXT MEETING DATE &amp; ADJOURNMENT</b>	K. Weller	

**Item 6**  
**APPROVAL OF SEPT 2014**  
**MEETING MINUTES**

**DRAFT**

**Employment First Meeting Minutes  
September 3, 2014**

**Members Present**

Tony Anderson  
Daniel Boomer  
Lisa Cooley  
Denyse Curtright  
Kathleen Derby  
Dale Dutton  
Rick Hodgkins  
Connie Lapin  
David Mayer  
Bill Moore  
Andrew Mudryk  
David Mulvey  
Olivia Raynor  
Steve Ruder  
Debbie Sarmento  
Rachel Stewart  
Robert M. Taylor  
Vanda Yung  
Amy Westling

**Members Absent**

Kecia Weller  
Barbara Wheeler

**Others Attending**

Anastasia Bacigalupo  
Janet Fernandez  
Bob Phillips  
Mark Polit  
Gabriel Rogin  
MaryEllen Stives

**1. CALL TO ORDER**

Olivia Raynor called the meeting to order at 10:35 a.m. and chaired the meeting due to absence of the Chair, Kecia Weller.

**2. WELCOME AND INTRODUCTIONS**

Members and others attending introduced themselves.

**3. ESTABLISH A QUORUM**

A quorum was established.

**4. APPROVAL OF JUNE 17, 2014 MINUTES**

It was moved/seconded and carried to approve the June 17, 2014 EFC minutes as presented.

5. **PUBLIC COMMENTS**

There were no public comments.

6. **REPORT ON CECY**

Olivia Raynor presented on CECY.

7. **REPORT ON CALIFORNIA COMMITTEE ON THE EMPLOYMENT OF PEOPLE WITH DISABILITIES (CCEPD)**

Rachel Stewart presented on CCEPD's recent work. Ms. Stewart announced that CCEPD Executive Director, Sara Triano will be replacing her on EFC.

8. **UPDATE ON EMPLOYMENT LEGISLATION**

The committee reviewed the update on employment-related legislation:

- (1) Assembly Bill (AB) 1626 (which would have raised the Supported Employment Rate by 10%) died in the Senate.
- (2) AJR 36 (requesting Congress to phase out subminimum wage) died in the Senate.
- (3) Senate Bill (SB) 577 (Pavley) passed and is awaiting signature. If signed, SB 577 will become key to implementing the Employment First Policy and will create a pilot project to establish a new service through regional centers, in preparing people with developmental disabilities to obtain employment.

9. **COUNCIL ACTIONS ON EFC RECOMMENDATIONS**

On July 17, 2014, the Council took the below actions in response to the recommendations brought forward by the EFC.

***Legislation: Employment Data***

It was moved/seconded (Weller/Ning) and carried to sponsor legislation that will require the Employment Development Department and/or the Franchise Tax Board to release income data on individuals who are regional center clients to the Department of Developmental Services (DDS). The legislation would also require that DDS collect data from regional center service providers on all working age regional center clients on hours worked, income earned, type of job, and other relevant



employment data to better assess the implementation of the employment first policy.

***Resolution: Sheltered Workshops and Subminimum Wage***

It was moved/seconded (Weller/Lewis) and carried to adopt EFC's policy on the phasing out of sheltered work and subminimum wage and the transition to integrated competitive employment.

***Assembly Joint Resolution (AJR) 36***

It was moved/seconded (Smith/Weller) and carried to support AJR 36 which if passed, would request that the United States Congress phase out the use of subminimum wage.

***Day Services Holidays***

It was moved/seconded (Forderer/Weller) and carried that the Council write a letter to DDS requesting the review of the uniform holiday schedule as it impacts people with developmental disabilities.

**10. NEXT STEPS ON SHELTERED WORK AND SUBMINIMUM WAGE**

The Committee has been developing an implementation plan for the new policy on Sheltered Work and Subminimum Wage. Kecia Weller, Molly Kennedy, Mike Clark, and Mark Polit met to develop ideas that were then brought to the EFC. This produced additional suggestions.

**11. EDUCATION PANEL RECOMMENDATIONS**

The EFC is researching policy recommendations on K-12 education and collaborating with the CECY policy group. EFC will discuss recommendations they wish to forward to the full Council at the December meeting.

**12. SELF-ADVOCATES' PROJECT UPDATE**

Committee members completed a draft informational flier to inform people about how to make employment a real option for people with developmental disabilities. The Committee is also drafting an Employment First Annual Report.

**13. CMS RULE CHANGE AND WIOA**

Mark Polit announce the reauthorization of the Workforce Investment Act of 1998 (WIA), including the Rehabilitation Act, through 2020.

14. **PLAN FOR NEXT MEETINGS**

The next meeting is scheduled for December 9, 2014.

15. **ADJOURNMENT**

Meeting adjourned at 4:00 P.M.

DRAFT





**Item 7**

**WORKFORCE INNOVATION &  
OPPORTUNITY ACT**

**WIA is Now WIOA: WHAT THE NEW BILL MEANS FOR PEOPLE WITH DISABILITIES***By David Hoff***Suggested audience for this brief:** policymakers, federal and state agency personnel, service providers, educators

With the passage of the Workforce Innovation and Opportunity Act (WIOA), Congress has reauthorized the Workforce Investment Act of 1998 (WIA), including the Rehabilitation Act, through 2020. Commenting on the bill's passage, President Obama stated that the bill "will help workers, including workers with disabilities, access employment, education, job-driven training, and support services that give them the chance to advance their careers and secure the good jobs of the future."

What does this 300-page legislation mean for people with disabilities? Major highlights include:

- ▶ A much larger role for public vocational rehabilitation (VR) as people with disabilities make the transition from school to adult life.
- ▶ Efforts intended to limit the use of sub-minimum wage.
- ▶ Required agreements between state VR systems and state Medicaid systems, and state intellectual and developmental disability (IDD) agencies.
- ▶ A definition of "customized employment" in federal statute, and an updated definition of "supported employment" that includes customized employment.
- ▶ A definition for "competitive integrated employment" as an optimal outcome.
- ▶ Enhanced roles and requirements for the general workforce system and One-Stop Career Centers in meeting the needs of people with disabilities.
- ▶ A number of disability agencies moving from the Department of Education (DOE) to the Department of Health and Human Services, including the Independent Living Program.
- ▶ Changes in performance measures, with potentially major implications for VR.

**In general, WIOA has the potential for significant advancement in employment of people with disabilities. Here are some more details about the act's anticipated impact:**

**Increased VR role in transition:** Each state's public VR program will now have a much larger role in the transition from school to adult life. Under WIOA, 15% of public VR funds must now be used for transition services, specifically pre-employment transition services as defined within the act.

These services include job exploration counseling, work-based learning experiences, counseling on post-secondary opportunities, workplace readiness training, and training on self-advocacy. Other services are also allowed if funds are available.

*President Obama stated that the bill "will help workers, including workers with disabilities, access employment, education, job-driven training, and support services that give them the chance to advance their careers and secure the good jobs of the future."*

In addition, each local VR office must undertake pre-employment transition coordination activities, including working with schools and the local workforce development system to engage these entities in transition activities.

**Limitations on sub-minimum wage:** A new section has been added to the Rehabilitation Act, Section 511. It requires (as of 2016) a series of steps before an individual under the age of 24 can be placed in a job paying less than minimum wage (almost all of which are positions with community rehabilitation providers in sheltered workshops or enclaves). Section 511 also prohibits schools from contracting with sub-minimum wage providers.

**Requirement for formal cooperative agreement between VR and state Medicaid and IDD agencies:** WIOA requires that state public VR agencies have formal



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cooperative agreements with the state agency responsible for administering the state Medicaid plan, and with state IDD agencies, with respect to the delivery of VR services, including extended services.

This means that VR must have in place agreements with those agencies responsible for long-term supports for people with disabilities, impacting in particular individuals with IDD, those with significant mental health issues, and those with other issues requiring long-term care funded by Medicaid.

**Movement of federal programs:** Under another proposed version of WIOA, the Rehabilitation Services Administration, or RSA (the parent agency of public VR), would have moved to the Office of Disability Employment Policy at the U.S. Department of Labor. While RSA will remain under the DOE, a number of other agencies will be moving from DOE to the Administration for Community Living (ACL) at the Department of Health and Human Services. This is where the Administration on Intellectual and Developmental Disabilities, and the Center for Aging and Disability, are currently based.

Agencies moving to the ACL include the National Institute on Disability and Rehabilitation Research, operating under a new name (the National Institute on Disability, Independent Living, and Rehabilitation Research), and the Independent Living Program, which will be moving from RSA to ACL.

**Competitive integrated employment defined:** The Rehabilitation Act previously used the term *competitive employment* extensively, but never defined it (although it was defined in regulations). The WIOA now defines *competitive integrated employment* as full-time or part-time work at minimum wage or higher, with wages and benefits similar to those without disabilities performing the same work, and fully integrated with co-workers without disabilities. This is considered the optimal outcome under WIOA.

**Customized employment part of Rehabilitation Act:** There is now a definition of *customized employment* in federal statute, defined as “competitive integrated employment, for an individual with a significant disability, that is based on an individualized determination of the strengths, needs, and interests of the individual with a significant disability,” “designed to meet the specific abilities of the individual with a significant disability and the business needs of the employer,” and “carried out through flexible strategies.” As a result, customized employment is now among the available services from public VR nationally.

**Changes in definition of supported employment:** The definition for *supported employment* has been modified. The adapted definition makes it clear that supported employment is integrated competitive employment, or an individual working on a short-term basis in an integrated employment setting towards integrated competitive employment.

In addition, customized employment is now included within the definition of supported employment. Also, the standard post-employment support services under supported employment have been extended from 18 to 24 months.

**Focus of supported employment state grants on youth:** While supported employment can be funded by public VR through general VR funds (\$3 billion in 2014), under the supported employment state grant program, funds are available to states to supplement supported employment services funded via the general VR funding (in 2014, the total supported employment state grant allocation was \$27 million).

*WIOA has the potential for significant advancement in employment of people with disabilities.*

Under WIOA, half of the money that states receive under the supported employment state grants will now have to be used to support youth with the most significant disabilities (up to age 24), and these youth may receive extended services (i.e., ongoing supports to maintain an individual in supported employment) for up to four years. The definition of “youth with the most significant disabilities” in the implementing regulations will be a key issue.

**Technical assistance for post-secondary education:** The new law allows the RSA commissioner to fund technical assistance to “better enable individuals with intellectual disabilities and other individuals with disabilities to participate in postsecondary educational experiences and to obtain and retain competitive integrated employment.”

**Role of VR in One-Stop system:** In 1998, WIA established a national network of One-Stop Career Centers, where assistance with employment and training is available to any individual (including people with disabilities). There are currently 1,700 One-Stops (known as American Job Centers) across the United States.



*The WIOA now defines competitive integrated employment as full-time or part-time work at minimum wage or higher, with wages and benefits similar to those without disabilities performing the same work, and fully integrated with co-workers without disabilities.*

Under WIA, all One-Stop partners had representation on the state and local workforce boards. Under WIOA, this is no longer the case.

However, WIOA designates certain programs as “core programs” in the workforce development system. Public VR is among those designated as a core program, and as such will continue to be a mandatory member of state and local workforce boards. Other core programs are Adult, Dislocated Worker, and Youth workforce investment programs, the state Employment Service (Wagner-Peyser), and Adult Education and Literacy.

**Changes in performance measures:** Under WIOA, the core programs are subject to common indicators of performance. For adults, these include a) entering and retaining employment, b) median earnings, c) obtaining an educational credential (high school diploma, post-secondary credential), d) skill gains via post-secondary education and training, and e) effectiveness in serving employers.

These performance measures are a new requirement for state VR programs, and the changes in current VR performance indicators will be a critical implementation issue.

**Funding of One-Stop infrastructure:** As noted, public VR remains a mandated One-Stop partner under WIOA. One-Stops are overseen by a local workforce board, of which public VR is a member. A major issue under the WIA was payment of the cost of the One-Stop infrastructure by One-Stop partners, which WIA was unclear on. WIOA attempts to resolve this issue.

Under the new law, payment for One-Stop infrastructure and other costs will be determined at the local board level. However, if agreement cannot be reached, the governor will develop the requirements for payment of One-Stop costs by One-Stop partners. Under WIOA, public VR can be required to use a maximum of 0.75% of its funds for One-Stop infrastructure, which will gradually increase to a maximum of 1.5% after five years.

### **Increased emphasis on role of general workforce**

**development system:** A number of provisions in WIOA emphasize and increase the requirements for the general workforce development system and One-Stop Career Centers to meet the needs of job seekers with disabilities.

#### **These include:**

- ▶ Local workforce development boards will have to ensure that there are sufficient service providers in the local area with expertise in assisting individuals with disabilities with their career and training needs.
- ▶ WIOA explicitly states that state and local workforce development boards, which provide oversight of the workforce development system, may include (as members) community organizations that provide or support competitive integrated employment for individuals with disabilities.
- ▶ Employment Networks (under the Social Security Administration’s Ticket to Work program) are specified as optional One-Stop partners.
- ▶ Among the specified responsibilities of the state workforce development board is the development of strategies to support career pathways for individuals with disabilities to enter and retain employment.
- ▶ WIOA states that local workforce development boards may have standing committees. Among the three standing committees specified in the legislation is one on the provision of services for individuals with disabilities. This could serve as an important forum to influence the ability of the workforce system to meet the needs of job seekers with significant disabilities.
- ▶ Annual assessment of physical and programmatic access of One-Stop Career Centers for people with disabilities is now required by federal statute.
- ▶ Disability is to be a consideration in development of state performance requirements in use of workforce development funds.
- ▶ The obligation of the general workforce system to serve youth with disabilities is emphasized within WIOA in multiple places.
- ▶ Under WIOA, governors may reserve up to 15% of general workforce development funds for statewide employment and training activities (the remainder of funds go to local workforce development areas). Among the allowable activities is improving coordination of employment and training activities with programs for individuals with disabilities. Programs under state IDD agencies, State Independent Living Councils, and centers for independent living are cited as specific entities this would apply to. WIOA also states that local workforce development funds, overseen by local workforce development boards, may be used for similar activities.

*Under WIOA, half of the money that states receive under the supported employment state grants will now have to be used to support youth with the most significant disabilities, and these youth may receive extended services for up to four years.*

## WHAT'S NEXT

Implementation of WIOA will occur over the next couple of years. A major next step will be publication of proposed regulations for public comment by mid-January 2015. These regulations will provide details on the implantation of WIOA. All major provisions of WIOA, except as specifically noted in the legislation, will go into effect on July 1, 2015.

## FOR FURTHER INFORMATION

### FOR MORE ON THE WIOA, CHECK OUT THE FOLLOWING WEBSITES:

US Department of Education - Rehabilitation Services Administration  
[www2.ed.gov/about/offices/list/osers/rsa/wioa-reauthorization.html](http://www2.ed.gov/about/offices/list/osers/rsa/wioa-reauthorization.html)

US Department of Labor  
[www.doleta.gov/wioa](http://www.doleta.gov/wioa)

Full bill text:  
<https://beta.congress.gov/bill/113th-congress/house-bill/803/text>



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**You Tube**  
[www.youtube.com/communityinclusion](http://www.youtube.com/communityinclusion)

### FOR MORE INFORMATION

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### ABOUT THE AUTHOR

David Hoff is a program director at the Institute for Community Inclusion at UMass Boston. He has extensive experience in analysis of legislation and public policy from a disability perspective. He is the past president of APSE: the Association of People Supporting EmploymentFirst, and co-chairs the APSE Public Policy Committee. His background also includes three years as an administrator for a local workforce board.





# Item 11

## RELATIONSHIP BETWEEN EFC AND SSAN



# EMPLOYMENT FIRST





# The Work of the Employment First Committee (EFC)

- EFC had its first meeting in September 2010
- Members of EFC – self advocates, family members, state agencies, advocacy organizations, service providers.

The purpose of EFC is to help more people have Integrated Competitive Employment (ICE).



# EFC Accomplishments

Passed Employment First legislation,  
AB 1041, in October 2013



This law says:

- Integrated Competitive Employment is the highest priority for adults; and
- It doesn't matter how severe a person's disability is; they have the right to get support to have Integrated Competitive Employment.



# EFC Accomplishments



Created a Data Dashboard on the SCDD website

➤ This shows data and tracks how well California is doing supporting people to have regular jobs at regular pay

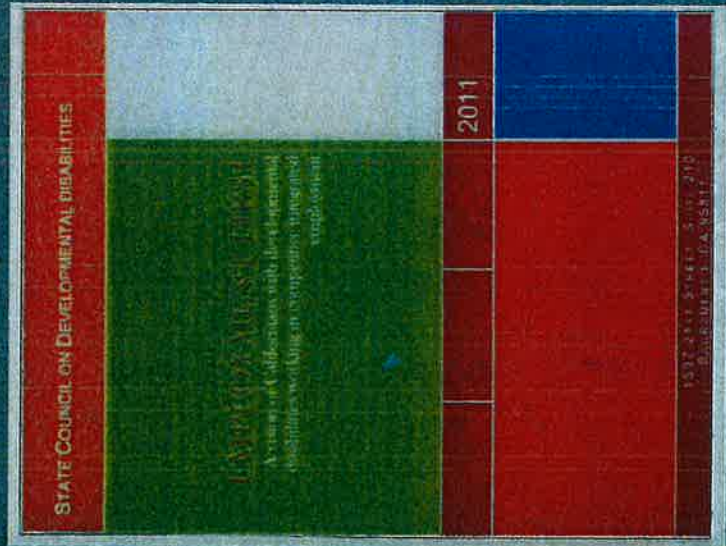
⦿ **Is there anything more that people community should know about the Data Dashboard?**





# EFC Accomplishments

- Annual reports to the Legislature and the Governor





# EFC Accomplishments

- Focus on Youth and Under Represented Groups

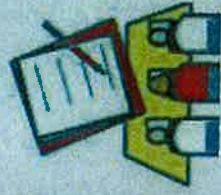




# EFC Next Steps

- ✓ Identify Best Practices

EFC will look at the work that Jay Nolan and Easter Seals did under the State Council grant and identify successful strategies they used to help people find and keep integrated competitive employment.

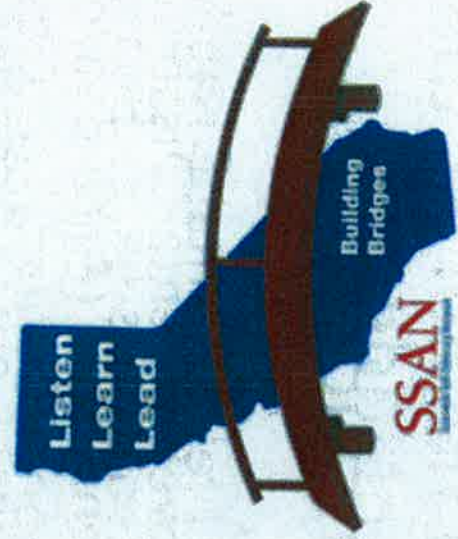




What information would you like  
the SSAN to gather from our  
communities for EFC?



# The Statewide Self Advocacy Network (SSAN) Employment First Committee (EFC) Presentation





Successful advocacy means building relationships and helpful partnerships. The SSAN partners include:

- State Council on Developmental Disabilities (SCDD) and 13 Regional Representatives (Area Boards)
- Association of Regional Center Agencies (ARCA)
- California Foundation for Independent Living Centers (CFILC)
- Department of Developmental Services (DDS)
- Disability Rights California (DRC)
- People First of California (PFCA)
- University Centers for Excellence in Developmental Disabilities (USC, UCLA and UC Davis)

# The Mission of SSAN

The Statewide Self-Advocacy Network (SSAN) promotes leadership and builds bridges that strengthen advocacy among disability communities by focusing on policy change.





# What does the SSAN do?



By connecting self-advocates, their communities and statewide organizations, the SSAN will increase leadership by persons with disabilities.

It is a way to receive plain language information about important topics.

Through SSAN, Self-Advocates will have a stronger voice in advocacy together.



## How it Works

Each partner agency selects one representative who will:

Attend two-day meetings up to four times each year in Sacramento. They will:

- Learn about leadership.
- Share advocacy interests and local issues.
- Create plans and take action.





## The SSAN Connecting with Local Communities

- SSAN members did outreach to find out the issues that people in their communities are interested in.
- The top issues were health care, employment, and self determination.

# The SSAN Connecting with EFC

- To share information and concerns about employment.
- To use the SSAN as a tool for outreach
- To help find out barriers people face as the process moves forward
- To provide recommendations on issues as they occur



# SSAN Recommendations



- Come up with a presentation to share with peers so that people understand what it is and what it is not.
- Recommend that Employment First Committee establish an outreach subcommittee that includes members from SSAN to make sure they are aware of these issues and to provide consistency.
- Recommend that EFC invite California Committee on Employment of People with Disabilities (under Health Care Services) representative to participate



# Current Barriers



- Wages and benefits concerns
- People who have never worked before don't know work expectations or how to work and be productive
- Education – have to learn how to work in the workplace - how to do the job – getting along with other workers
- “Employable” standards with agencies like Voc Rehab and needed support and trying to fit people into jobs that aren't a good match – for example what services are even available to help support someone in employment
- Changing our culture – or the way we look at work – talking about plans after graduation versus a workshop. Educating people, including the educators, and the public on how to get the jobs and what we can and can't do.
- Need to educate the professionals in the system and that we're not ok with certain types of jobs. There are more than just janitorial types of jobs.
- Educate professionals/agencies to use proper skills to help people get jobs – for example, filling out applications, doing a resume, etc.
- (Transportation access and training. Agencies using unproductive practices.)

# Draft Presentation on Employment First



- EFC - please look over the draft powerpoint and tell us what you think, and answer the questions in **RED**
- Give us your permission to share the information in our communities and agencies
- Help EFC learn more about people's concerns on a local level.

# Questions

